

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA)	CASE NOS. CR03-3089, CR03-3090, CR03-3091
VERSUS)	
LEE BOYD MALVO a/k/a)	INDICTMENT - CAPITAL MURDER (2
John Lee Malvo)	Counts) and USING A FIREARM IN THE
		COMMISSION OF A FELONY

On August 27, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

This case came before this Court today for argument on the Defendant's motions. The Court ruled as follows on each motion:

1. The Motion to Require the Commonwealth to Provide an Accounting of All Expenditures and Commitment for Expenditures Made for Investigation and Trial Preparation by All State and Federal Agencies Participating in This Prosecution Including the Department of Justice is **denied**.
2. The Motion for a Transcript of the Suppression Hearings Held on April 28, 29, and July 24, 2003 is **granted**.
3. The Motion to Fund Additional Hours for Mental Health Expert Appointed Pursuant to Virginia Code Section 19.2-264.3:1 is **granted**. The Court approved an additional two hundred (200) hours for Dr. Dewey Cornell.
4. The Motion to Seal Mental Health Reports from Commonwealth Review Prior to Any Conviction of a Capital Offense is **continued** to September 17, 2003 at 10:00 a.m. by agreement.

5. The Motion to Require Commonwealth to Provide Resume and Background Information to Any Mental Health Expert It Proposes for Appointment by the Court is **granted** by agreement.
6. The Defendant will file a written motion to renew his previously denied Motion for Bill of Particulars as to Count One by Friday, August 29, 2003. A hearing on the renewed motion will be held on September 17, 2003 at 10:00 a.m.
7. The Motion for Advance of Trial Expenses is **granted**. The Court approved the proposed defense budget, attached to and incorporated herein, in the amount of \$99,230.46. The funds shall be advanced to Craig S. Cooley, Esquire, and Mr. Cooley or his designee shall administer the funds for approved expenses.

The Court **ORDERED** that an additional motions hearing date be set on October 22, 2003 at 10:00 a.m. The Defendant shall file any motions by October 8, 2003, and the Commonwealth shall respond by October 16, 2003.

The Defendant was remanded to the custody of the Sheriff.

Entered on August 28, 2003.

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JANE MARUM ROUSH
JUDGE DESIGNATE

PROPOSED DEFENSE BUDGET

Commonwealth v. Lee Boyd Malvo

45 DAY TRIAL

Hotel Accommodations: \$49.00 per day plus tax* = \$55.13

Counsel & Staff – 6 Rooms

270 Room Days

Witnesses - Estimated

252 Room Days (Does not include 23 video taped witnesses
submitted to the Commonwealth)

522 @ \$55.13 =

\$28,777.86*

*The figure for attorney housing for a 45 day trial represents a savings of @ \$63,180 over quotes provided for Chesapeake facilities, and a savings of @ \$21,330 over the normal room rate at the facility selected. The figure for all housing represents a savings of @ \$122,080 over quotes from Chesapeake facilities and @ \$33,340 over the normal room rate at the facility selected.

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<u>Witness Meals:</u>	\$36.00 per day	{State <u>per diem</u> \$36.00 }
		{Federal <u>per diem</u> \$42.00}

252 overnight witnesses

35 Single witness days

287 Days @ \$36.00 =

\$10,332.00

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Witness Transportation:

Norfolk/.Chesapeake Area \$ 2,000.00

Virginia/DC/Maryland Witness

32.5¢ per mile / @500 miles round trip

35 witnesses @ \$172.50 = \$ 6,037.50
(Depending on stipulations this figure may be reduced)

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Flights

St. Johns, Antigua to Norfolk
Continental

\$716.80 plus \$100 change fee for return date

\$2,275.00 unrestricted ticket

6 witnesses @ \$916.80 = \$ 5,500.80

Kingston, Jamaica to Norfolk
Continental

\$541.45 with fixed outgoing date plus \$100.00 change fee
for date change each way

or

\$1,175.00 unrestricted ticket

14 witnesses @ \$741.45 = \$10,380.30

Seattle/Tacoma to Norfolk
Northwest/United

\$408.00 plus \$100.00 change fee for each date changed
Buy at least 14 days in advance

32 witnesses @ \$608.50 = \$19,472.00

Baton Rouge to Norfolk
Delta

\$243.00 plus \$100.00 change fee for each date changed

10 witnesses @ \$443.00 = \$ 4,430.00

Miscellaneous Areas to Norfolk

Approximately 10 witnesses at
@ \$600.00 per witness = \$ 6,000.00

2 witnesses at @ \$900.00 = \$ 1,800.00

Witness Coordinator (to handle transportation,
housing, flight changes, meal allowances,
personal problems of witness)

45 days/10 hours per day @ \$10.00 per hour \$ 4,500.00

Summary

Hotel Accommodations		\$28,777.86
Witness Meals		10,332.00
Witness Transportation		
Norfolk/Chesapeake	\$ 2,000.00	
Virginia/DC/Maryland	6,037.50	
Antigua to Norfolk	5,500.80	
Jamaica to Norfolk	10,380.30	
Seattle/Tacoma to Norfolk	19,472.00	
Baton Rouge to Norfolk	4,430.00	
Miscellaneous Locations to Norfolk	7,800.00	
		55,620.60
Witness Coordinator		4,500.00
		=====
Total (excluding 23 videotaped witnesses)		\$99,230.46